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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 Case No.: 2:20-cr-00029-RFB-BNW

18 v.

19 **Government Disclosure Statement**

20 DEMETRIUS WARE,

21 Defendant.

22

23 On February 25, 2020, pursuant to Local Criminal Rule 16-1(b)(2), Brett Ruff,

24 Assistant United States Attorney, contacted Paul Riddle, Assistant Federal Public

On February 25, 2020, pursuant to Local Criminal Rule 16-1(b)(2), Brett Ruff,

Assistant United States Attorney, contacted Paul Riddle, Assistant Federal Public

Defender and counsel of record for defendant Demetrius Ware, to discuss scheduling of

discovery in the instant case. The Government agrees to provide discovery in this case as

follows:

25

26 **Discovery Schedule**

27 A. The Government has provided or will provide or permit the defendant to inspect
28 and copy or photograph:

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1 (1) All statements, documents, and objects, including audio or video
2 recordings, required to be disclosed under Federal Rules of Criminal
3 Procedure 16(a)(1)(A)-(F).

4 (2) All search warrants and supporting affidavits, which relate to
5 evidence that may be offered at trial.

6 (3) The Government will provide expert disclosures as required under
7 Federal Rule of Criminal Procedure 16(a)(1)(G).

8 B. The Government is unaware of any exculpatory information. The Government will
9 provide any subsequently discovered exculpatory information reasonably promptly
10 upon its discovery. The Government will provide impeachment information relating
11 to government witnesses who will testify at a pre-trial hearing, trial, or sentencing
12 sufficiently in advance of the hearing, trial, or sentencing to allow the hearing, trial,
13 or sentencing to proceed efficiently.

14 C. The Government hereby makes any and all demands for reciprocal disclosures from
15 the defendant under Federal Rules of Criminal Procedure 12.1, 12.2, 12.3, and 16,
16 including but not limited to the following, to be provided prior to trial:

17 (1) All documents, objects, and reports of examination required under
18 Federal Rules of Criminal Procedure 16(b)(1)(A) and (B).

19 (2) All expert disclosures required under Federal Rule of Criminal
20 Procedure 16(b)(1)(C).

21 (3) All notices of any defenses under Federal Rule of Criminal Procedure
22 12.1.

23 (4) Any summaries, charts, or calculations the defense intends to offer at
24 trial.

1 D. The Government will no later than 5 days before trial or at such subsequent time as
2 the Government learns any of the following information:

- 3 (1) Disclose any summaries, charts, or calculations the Government
4 intends to offer at trial.
- 5 (2) Identify recordings, transcripts of recordings, or portions thereof the
6 Government intends to offer at trial.
- 7 (3) Disclose any reports or memoranda of interviews of witnesses the
8 Government intends to call in its case in chief.
- 9 (4) Disclose any statements of witnesses under Title 18, United States
10 Code, Section 3500.

11 E. If the Government withholds the disclosure of items subject to discovery under
12 Federal Rule of Criminal Procedure 16 or case law or statute, it will either: (1)
13 provide notice to the defense of its intent to withhold disclosure and describe the
14 nature of the item and the basis for withholding disclosure; or (2) submit in camera
15 a motion to the court for a protective order describing the nature of the item, the
16 basis for withholding disclosure, and the need for in camera review and any sealing
17 of the record. The Government requests that, if the defendant withholds the
18 disclosure of any such item(s), it provide such notice to the Government.
19 The disclosures and reciprocal disclosures set forth above apply to those objects,
20 documents, items, and other disclosure matters that are in the possession, custody,
21 or control of the parties at the time the obligation to disclose arises. The
22 Government recognizes that it has a continuing duty to provide disclosures up to
23 and through trial as to any matters required to be disclosed by statute, rule, or the
24 United States Constitution. Nothing in this statement is intended to create any

rights for the defendant or in any way restrict or expand the remedies available to the Court for any breach of any disclosure obligations.

The Government holds itself available to make good faith efforts to confer with defense counsel to resolve informally any dispute over the scope, manner, and method of disclosures before seeking relief from the Court.

DATED: February 26, 2020

NICHOLAS A. TRUTANICH
United States Attorney
District of Nevada

/s/ Brett C. Ruff
BRETT C. RUFF
Assistant United States Attorney

Certificate of Service

I, Brett C. Ruff, hereby certify that I am an employee of the United States Attorney's Office for the District of Nevada and that on this day I served an electronic copy of the above **Government Disclosure Statement** on Counsel of Record via Electronic Case Filing (ECF).

Dated: February 26, 2020

/s/ Brett C. Ruff
BRETT C. RUFF
Assistant United States Attorney